

Welcome to the U.S. Department of the Interior, Office of Inspector General (OIG) Freedom of Information Act and Privacy Act page. This page provides basic guidance about the Freedom of Information Act (FOIA) 5 U.S.C. 552, and the

[Privacy Act \(PA\) of 1974 5 U.S.C.552a](#)

, to assist members of the public in exercising their rights to obtain agency records created by the DOI, OIG. This page includes information and guidelines regarding

[FOIA](#)

,  
[PA](#)

, and any

[additional information](#)

## Freedom of Information Act

Notice: The FOIA request must be in writing. No telephone requests will be accepted. If you do not know the exact title of the document you are seeking, please provide a reasonable description of the document. The more information that you can provide, such as its author or date, the more expeditiously your request will be processed. Please follow the guidance set forth in 43 CFR Part 2.

### Frequently asked questions:

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### 2.10 Where do I send my request?

#### Department of the Interior

#### FOIA Appeals Officer

1849 C Street, NW

MS-6566, MIB

Washington, DC 20240

Phone: (202) 208-5339

Fax: (202) 208-6677

Email: [FOIA@doioig.gov](mailto:FOIA@doioig.gov)

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### 2.12 When can I expect a response?

(a) *Basic time limit.* Ordinarily, a bureau has 20 workdays from the date of receipt to determine whether to grant or deny your FOIA request (see paragraph (b) of this section). The bureau will notify you immediately upon reaching its decision. If you have not received a response within 20 workdays, or 30 workdays if an extension has been taken (see §2.13) (be sure to allow for mailing time), you may contact the bureau to ask about the delay (see appendix A to this part). You also have the right to consider any nonresponse within these time limits as a denial of records and file a formal appeal (see §2.28(a)(3)) or lawsuit. These time limits do not apply to requests for expedited processing (see §2.14).

(b) *Running of basic time limit.* The 20 workday time limit begins to run when a request complying with the procedures in §§2.8 and 2.10 is received by the FOIA contact at the bureau office that has the records you are seeking. This means that all issues regarding fees and the scope of your request must be resolved before the bureau will begin processing your request.

(c) *Determining the status of your request.* To determine the status of your request, you should call, fax, or email the point of contact provided in the bureau/office's acknowledgment letter to you, referencing the FOIA control number assigned to your request. You may also contact the appropriate FOIA Requester Service Center. If you are dissatisfied with the FOIA Requester Service Center's response, you may

[contact](#)

the bureau/office's FOIA Public Liaison to resolve the issue.

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### **2.14 When can I get expedited processing?**

(a) A bureau will provide expedited processing when you request it if you demonstrate to the satisfaction of the bureau that there is a compelling need for the records. The following circumstances demonstrate a compelling need:

(1) Where failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(2) An urgency to inform the public about an actual or alleged Federal Government activity if the request is made by a person primarily engaged in disseminating information. In most situations, a person primarily engaged in disseminating information will be a representative of the news media. The requested information must be the type of information which has particular value that will be lost if not disseminated quickly, and ordinarily refers to a breaking news story of general public interest. Therefore, information of historical interest only, or information sought for litigation or commercial activities, would not qualify, nor would a news media deadline unrelated to breaking news.

(b) A request for expedited processing should be submitted with your FOIA request. For a prompt determination, you must submit a request complying with the requirements of §§2.8 and 2.10 to the FOIA Contact at the bureau office that maintains the records you are seeking.

(c) If you are seeking expedited processing, you must submit a statement explaining in detail the basis for your request. You must certify in your letter that your need for expedited processing is true and correct to the best of your knowledge and belief. For example, a requester within the category of paragraph (a)(2) of this section, if not a full time member of the news media, must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his/her sole occupation.

(d) Within 10 calendar days of receipt of your request, the bureau will notify you whether it will grant expedited processing. If expedited processing is granted, the bureau will give priority to that FOIA request and process the request as soon as practicable. If expedited processing is denied, the bureau will notify you of your right to appeal the decision on expedited processing. Appeals of denials of requests for expedited processing will be processed ahead of other appeals (see §2.32(b)). If the bureau has not responded to your request for expedited processing within 10 calendar days, you have a right to file an appeal for nonresponse (see §2.28(a)(7)).

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## 2.15 Will I be charged any fees?

Please visit the [DOI FOIA fees page](#) for further information.

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## 2.28 When may I file an appeal?

(a) You may file an appeal when: (1) Records or parts of records have been withheld; (2) The bureau informs you that you have not adequately described the records you are seeking, or that it does not possess responsive records and you have reason to believe it does or you question the adequacy of the bureau's search for responsive records; (3) A decision has not been made on your request within the time limits provided in 2.12; (4) The bureau did not address all aspects of your request for records; (5) You believe there is a procedural deficiency (e.g., fees are improperly calculated); (6) A fee waiver has been denied; or (7) A request for expedited processing has been denied or not responded to on time. (Special procedures apply to this type of appeal (see 2.14, 2.29(c), and 2.32(b)). An appeal of this type relates only to the request for expedited processing and does not constitute an appeal of your underlying request for records. (b) Before filing an appeal, you may wish to communicate with the contact person listed in the FOIA response or the bureau's FOIA Officer to see if the issue can be resolved informally. Informal resolution of your concerns may be appropriate where the bureau has not responded to your request or where you believe the search conducted was not adequate. In this latter instance, you may be able to provide additional information that may assist the bureau in locating records. However, if you wish to file an appeal, it must be received by the FOIA Appeals Officer within the time limits in 2.29.

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## 2.29 How long do I have to file an appeal?

(a) Appeals covered by 2.28(a)(1), (2), and (4) thru (6). Your appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response or **30 work days after receipt of any records that are provided to you**. (b) Appeals covered by 2.28(a)(3). You may file an appeal any time after the time limit for responding to your request has passed. (c) Appeals covered by 2.28(a)(7). You should file an appeal as soon as possible.

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## 2.30 How do I file an appeal?

(a) You must submit your appeal in writing, i.e., by mail, fax or e-mail, to the FOIA Appeals Officer, U.S. Department of the Interior (see Appendix A for the address). Your appeal must include the information specified in paragraph (b) of this section. Failure to send your appeal directly to the FOIA Appeals Officer may result in a delay in processing. (b) Your appeal must contain copies of all correspondence between you and the bureau, including your request and the bureau's response (if there is one). DOI will not begin processing your appeal and the time limits for responding to your appeal will not begin to run until these documents are received. (c) You also should include in as much detail as possible any reason(s) why you believe the bureau's response was in error. (d) Include your name and daytime telephone number (or the name and telephone number of an appropriate contact), e-mail address and fax number (if available), in case DOI needs additional information or clarification of your appeal. (e) If you file an appeal concerning a fee waiver denial or a denial of expedited processing, you should, in addition to complying with paragraph (b) of this section, demonstrate fully how the criteria in 2.19(b) (see Appendix D) or 2.14(a) are met. You also should state in as much detail as possible why you believe the initial decision was incorrect. (f) All communications concerning your appeal should be clearly marked with the words: Freedom of Information Appeal.

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## 2.4 How do I obtain information routinely available to the public?

You may visit our [Electronic Reading Room](#) or refer to the [DOI FOIA Annual Report](#) for information routinely available to the public.

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## 2.7 What do I need to know before filing a FOIA request?

(a) If the records you are seeking are not routinely available as described in Subpart B of this part, you must submit a FOIA request to the FOIA Contact at the bureau office where you believe the records are maintained (see appendix A to this part). FOIA requests must be submitted in writing (this includes fax and e-mail)—DOI does not accept oral FOIA requests. Before submitting a request, you may find it useful to contact the appropriate bureau FOIA Contact or the Departmental FOIA Officer for additional information concerning DOI's FOIA Program. You may find the Department's Reference Guide, which is available electronically through the FOIA home page and in paper form as well, helpful in making your request.

(b) The FOIA requires that we release records unless they are protected by one of nine exemptions (see appendix E to this part).

(c) The Act does not require a bureau to answer questions that may be asked in a FOIA request.

(d)(1) In order for a record to be considered subject to your FOIA request, it must be in the bureau's possession and control at the time the bureau begins its search for responsive records. There is no obligation for the bureau to

create or compile a record to satisfy a FOIA request (for example, by combining or compiling selected items from manual files, preparing a new computer program, calculating proportions, percentages, frequency distributions, trends and comparisons, or creating maps). Normally if a bureau is extracting information from an existing computer database, this would not constitute the creation of a new record. However, a bureau has the option of creating a new record if—

(i) Doing so will provide a more useful response to the requester,

(ii) It is less burdensome than providing the existing records, and

(iii) The newly created record is fully responsive to the request.

(2) The fee in this case will not be more than the fee for the individual records. Fees will be charged consistent with the schedule in appendix C to this part.

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### **2.9 May I specify the form or format of disclosure?**

You may choose the form or format of disclosure for records that you request under the FOIA (5 U.S.C. 552(a)(3)(B)). Bureaus must provide the record in the requested form/format if the office responding to the request can readily reproduce the record in that form/format with reasonable efforts. However, if the process of providing the information in the requested format would damage or destroy an original document, it may not be possible to honor your format request. Bureaus must make reasonable efforts to maintain their records in forms or formats that are reproducible. You may be charged the direct costs involved in converting information to the requested format if the bureau normally does not maintain the information in that format.

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## **The Privacy Act**

Request for information under the Privacy Act should be sent to the same [address](#) as a FOIA request.

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## **Additional Information**

[FOIA and Policy Guidance](#) includes the statutory and regulatory citations relevant to the FOIA and DOI policies and procedures. [PA and Policy Guidance](#) includes statutory and regulatory citations relevant to PA and DOI policies and procedures.

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